

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-80810

Hon. Lawrence P. Zatkoff

JAMES JACKSON,

Defendant.

OPINION AND ORDER

AT A SESSION of said Court, held in the United States Courthouse,
in the City of Port Huron, State of Michigan, on June 18, 2012

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

I. INTRODUCTION

Currently before the Court is Defendant's Motion to Proceed *In Forma Pauperis* on appeal [dkt 578]. For the reasons that follow, Defendant's Motion to Proceed *In Forma Pauperis* is GRANTED.

II. ANALYSIS

Defendant has filed an motion to proceed on appeal without prepayment of fees and so that he can be appointed counsel on appeal. The Court notes that Defendant was determined to be indigent and appointed counsel prior to the trial in this matter. The Court also notes that such appointed counsel continued to represent Defendant on his appeal after a jury convicted him and this Court imposed the original sentence. Upon the Sixth Circuit's consideration of that appeal, Defendant's conviction was affirmed but the matter was remanded to this Court for resentencing.

For purposes of resentencing only, Defendant's mother and sister retained counsel. The retention of counsel, however, did not extend to representation of Defendant for an appeal of the sentence recently imposed by this Court. As Defendant has been incarcerated since his conviction in November 2006, the Court concludes that Defendant remains indigent and does not have the financial capability to pay fees and retain counsel for the appeal of his recent sentence. Therefore, the Court shall grant Defendant's Motion to Proceed *In Forma Pauperis*.

III. CONCLUSION

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion to Proceed *In Forma Pauperis* [dkt 578] is GRANTED.

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: June 19, 2012

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on June 19, 2012.

S/Marie E. Verlinde
Case Manager
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